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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

SUNSET COMMERCIAL LLC, a Nevada  
Limited Liability Company,

Plaintiff,

vs.

BAYER CROPSCIENCE, INC. a New York  
Corporation; MONTROSE CHEMICAL  
CORPORATION OF CALIFORNIA, a  
Delaware Corporation; ATLANTIC  
RICHFIELD COMPANY, a Delaware  
Corporation; OLIN CORPORATION, a  
Virginia Corporation, TITANIUM METALS  
CORPORATION, a Delaware Corporation;  
NL INDUSTRIES, INC. a New Jersey  
Corporation; LE PETOMANE XXVII, INC.,  
an Illinois Corporation, in its representative  
capacity as the NEVADA  
ENVIRONMENTAL RESPONSE TRUST  
TRUSTEE; and the UNITED STATE OF  
AMERICA,

Defendants.

CASE NO. 2:23-cv-02081-GMN-BNW

**STIPULATION TO EXTEND LE  
PETOMANE XXVII, INC.'S TIME TO  
ANSWER OR RESPOND TO AMENDED  
COMPLAINT (ECF NO. 35)**

*(Third Request)*

Plaintiff SUNSET COMMERCIAL LLC (“Sunset” or “Plaintiff”) and Defendant LE  
PETOMANE XXVII, INC., as trustee of the NEVADA ENVIRONMENTAL RESPONSE TRUST

1 (“NERT” or “Defendant”), by and through counsel of record, and consistent with LR IA 6-1(a),  
2 hereby stipulate and agree as follows:

3 NERT’s answer or other response to the Amended Complaint (ECF No. 35) is currently due  
4 on November 14, 2024. In order to facilitate continuing settlement negotiations, Plaintiff has agreed  
5 that NERT shall have an additional 32 days (up to and including Monday, December 16, 2024) to  
6 answer or otherwise respond to the Amended Complaint.

7 The parties seek to abide by this Court’s “Standing Order” filed on December 19, 2023  
8 (ECF No. 9), stating that “Judge Navarro will generally deny a stipulation or motion for a  
9 continuance or extension of time which lacks justification,” and that “[s]uch requests may be  
10 granted only in extraordinary circumstances if just cause is presented.”

11 The parties to this Stipulation therefore identify the following points of justification that  
12 show just cause exists for granting the Stipulation:

- 13 1. Plaintiff filed its Amended Complaint (ECF No. 35) on or about April 15, 2024. By  
14 stipulation, Defendant’s response to the Amended Complaint was due by June 11,  
15 2024 (ECF Nos. 55, 61).
- 16 2. Defendant United States of America moved to dismiss the Amended Complaint on  
17 May 13, 2024 (ECF No. 64). Defendant Atlantic Richfield Company moved to  
18 dismiss the Amended Complaint on May 13, 2024, (ECF No. 65). NERT joined in  
19 those motions to dismiss on June 3, 2024 (ECF No. 80).
- 20 3. Pursuant to a stipulation of the parties to this Stipulation and the Court’s order dated  
21 May 7, 2024 (ECF No. 85), the deadline for NERT’s answer or other response to the  
22 Amended Complaint was extended to 21 days after the Court’s final resolution of  
23 the motions to dismiss. The Court denied the motions to dismiss on October 24,  
24 2024 (ECF No. 113). Therefore, NERT’s deadline to answer or otherwise respond  
25 to the Amended Complaint currently is November 14, 2024.
- 26 4. Meanwhile, Sunset has filed a Motion to Enter Consent Decree (ECF No. 114) as a  
27 resolution of Sunset’s claims against Defendant United States of America and  
28 Defendant Atlantic Richfield.

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- 1           5.       The parties to this stipulation have been engaged in settlement discussions, and they
- 2                   intend to use the additional time afforded by this stipulation to continue to explore a
- 3                   potential resolution of the claims between them, including in light of the Motion to
- 4                   Enter Consent Decree (ECF No. 114).
- 5           6.       No party has yet commenced discovery in this case and extending the deadline for
- 6                   NERT to file a responsive pleading or other response would not prejudice any other
- 7                   party to this case, nor would it affect any other deadlines at this early stage in the
- 8                   proceedings.
- 9           7.       This is the third requested extension of this deadline and is made in good faith and
- 10                  not for purposes of delay. *See* LR IA 6-1(a).

11       ///

12       ///

1           THEREFORE, it is hereby stipulated and agreed by and between Plaintiff and NERT that  
2 NERT's time to answer or otherwise respond to the Amended Complaint should be and hereby is  
3 extended to December 16, 2024.

4  
5 DATED: NOVEMBER 13, 2024

DATED: NOVEMBER 13, 2024

6 PISANELLI BICE PLLC

PARSONS BEHLE & LATIMER

7  
8 By: /s/ M. Magali Mercera  
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13  
14 *Attorneys for Defendant LE PETOMANE*  
*XXVII, INC., in its representative capacity*  
15 *as Trustee of the NEVADA*  
*ENVIRONMENTAL RESPONSE TRUST*

16  
17  
18 **ORDER**

19  
20 IT IS SO ORDERED.

21 Dated: November 15, 2024

22 

23 UNITED STATES MAGISTRATE JUDGE  
24  
25  
26  
27  
28

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC and that, on this 13th day of November 2024, I caused to be served via the Court's CM/ECF service system a true and correct copy of the above and foregoing **STIPULATION TO EXTEND LE PETOMANE XXVII, INC.'S TIME TO ANSWER OR RESPOND TO AMENDED COMPLAINT (ECF NO. 35) (*Third Request*)** to all parties on the Court's CM/ECF service list.

/s/ Cinda Towne  
An employee of PISANELLI BICE PLLC

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